

**FINAL REPORT  
OF THE  
COUNTY GOVERNMENT  
STUDY COMMISSION**



**Indiana Legislative Services Agency  
200 W. Washington St., Suite 301  
Indianapolis, Indiana 46204-2789**

**October, 2000**

**County Government Study Commission**  
**Membership Roster**

**Representatives**

Peggy Welch, Chair  
Bloomington

Tiny Adams  
Muncie

Gloria Goeglein  
Ft. Wayne

Matt Whetstone  
Brownsburg

**Senators**

Becky Skillman  
Bedford

Rose Antich  
Merrillville

Mark Blade  
Terre Haute

Steve Johnson  
Kokomo

**Lay Members**

John Catey  
Richmond

Al Dillon  
Richmond

Richard Dodge  
Pleasant Lake

Garland Ferrell  
Lebanon

Frank Fritch  
Tipton

Vernon Jewell  
Columbus

Richard Jones  
Jeffersonville

Doug Lechner  
Needham

Raymond Lueken  
Celestine

Jean Paul Lushin  
Kokomo

Bill Mansard  
Terre Haute

**Legislative Services Agency Staff**

Beverly Holloway  
Fiscal Analyst for the Commission

Ross Hooten  
Attorney for the Commission

James Jett  
Attorney for the Commission

**November 1, 2000**

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Commission can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

## **I. INTRODUCTION AND REASONS FOR STUDY**

The Indiana General Assembly enacted legislation (P.L. 109-1997) directing the Commission to study the following:

- (1) How to improve the effectiveness and efficiency of county government by examining the functions and duties associated with all elected county officials and departments of county government. The Commission shall focus on how these functions and duties relate to the functions and duties of other elected county officials, departments of county government, and other state and local governmental entities.
- (2) The functions and duties of elected county officials and departments of county government that should be more clearly defined by statute to avoid disputes over allocation of power of county government.
- (3) The functions and duties of elected county officials and departments of county government that should be eliminated, altered, or reassigned to other elected county officials, departments of county government, or other state or local governmental entities.
- (4) The functions and duties of county commissioners in Lake County and St. Joseph County and how their legislative and executive powers compare to county commissioners in other counties.

## **II. SUMMARY OF WORK PROGRAM**

The Commission met five times during the interim.

At its first meeting on August 22, 2000, the Commission reviewed the charge contained in P.L. 109-1997, reviewed legislation introduced in the 2000 legislative session, and heard testimony from Mr. Kirk White, former Advisory Board Member of the Coalition on Monitoring Public Efficiency and Tax Expenditures (C.O.M.P.E.T.E.) Project.

The Commission held its second meeting on September 13, 2000. The Commission received an update on the functions and duties of county commissioners in Lake County and St. Joseph County.

The Commission held its third meeting on September 28, 2000, to receive a report from the Indiana County Surveyor's Association and to discuss the C.O.M.P.E.T.E. report recommendations.

The fourth meeting of the Commission was on October 12, 2000. The Commission received a report from Rep. Scholer regarding legislation she introduced in the 2000 session of the General Assembly. The Commission also heard testimony from the Indiana County Assessors Association and a representative for the township assessors. The Commission discussed PD 3372 and PD 3373 concerning reauthorization of the Commission. The Commission also discussed PD 3417 concerning the establishment of correction districts by local units of government. Based on Commission discussion, changes were offered to the preliminary drafts.

At its fifth meeting and final meeting on October 24, 2000, the Commission discussed and unanimously adopted by roll call vote PD 3510, PD 3512, and PD 3527. The draft final report was adopted by a roll call vote of 11-0.

## **III. SUMMARY OF TESTIMONY**

Testimony consisted of a series of presentations designed to inform and update the Commission on the following items:

- (1) legislation introduced in the 2000 session of the General Assembly that was prompted by testimony and discussion at previous meetings of the Commission and recommendations from the C.O.M.P.E.T.E. report;
- (2) the C.O.M.P.E.T.E. report recommendations;
- (3) the functions and duties of the county commissioners in Lake County and St. Joseph County;
- (4) the office of county surveyor;
- (5) the office of county assessor; and
- (6) the office of township assessor.

This summary divides the testimony into the six topics listed above and presents highlights of the testimony offered during Commission meetings.

The stating of a policy position or recommendation in this summary of the testimony does not signify either Commission support or disapproval of the matter. The narrative merely reflects a variety of ideas and positions presented to the Commission by persons addressing the Commission.

### **Legislation Introduced in the 2000 Session of the General Assembly**

Sen. Becky Skillman reviewed SEA 222-00 and HEA 1391-00. She stated that both pieces of legislation were a result of testimony and discussions held at previous meetings of the County Government Study Commission. Sen. Skillman stated that SCR10-00 was a recommendation of the Commission. She stated that the Legislative Council assigned the issue of the fiscal impact of the courts upon county budgets to the Commission on Courts.

Rep. Sue Scholer reviewed the legislation she introduced in the 2000 session of the General Assembly. She stated that the proposed legislation was based on the C.O.M.P.E.T.E. report recommendations. The legislation addressed the areas of regional road authorities, county managers, and placing court costs on a separate levy. Rep. Scholer outlined the concepts of fiscal home rule and the status of past and potential fiscal home rule legislation.

### **C.O.M.P.E.T.E. Report Recommendations**

Mr. Kirk White, former Monroe County Commissioner and Advisory Board Member of the C.O.M.P.E.T.E. Project, stated that county government in Indiana is not able to provide the funds to meet citizen expectations. He stated that the answer has been to raise taxes or cut services. Mr. White stated that he believes that the better answer is to assess the current county structure, be innovative, and make organizational changes. Mr. White provided the Commission with four proposals from the C.O.M.P.E.T.E. report:

- (1) multi county construction and operation of correctional facilities;
- (2) state offered incentives to local units of government that initiate innovation in intergovernmental cooperation and enhanced service delivery;
- (3) allow county choice concerning the form of county government;
- (4) centralize the county assessment function.

The Association of Indiana Counties (AIC) stated agreement with some of the proposals presented by Mr. White. The AIC provided the Commission with examples of counties that have projects that have been innovative and included multi-county cooperation. The AIC expressed concern regarding the existing assessment system and the role of the county assessor and the township trustee/township assessor. The AIC suggested that in some cases the county assessor should have more control in the assessment process.

The Township Association stated that the Association has always supported options for change but that

any change in structure should be adopted to meet the needs of the people who are in an elected office or an appointed position.

The Indiana Association of County Commissioners (IACC) spoke in support of financial incentives to help counties pay for administrators or county managers. The IACC gave examples of the wide range of qualifications that current county administrators have taken to the position. Examples were also given of the varying amounts of responsibility that county administrators have.

Farm Bureau stated that all units of county government need to be looked at. It was suggested that tax restructuring should be a part of any changes in county government structure.

### **The Functions and Duties of the County Commissioners in Lake County and St. Joseph County**

**Lake County** - Mr. John Dull, Attorney for the Lake County Commissioners, gave a brief history of why Lake County has a different county commissioner structure when compared to the other Indiana counties. Mr. Dull stated that the Lake County commissioners would like to see the county structure in Lake County changed. He added that if the current county commissioner structure is not changed then statutory changes need to be made so that the Lake County commissioners have contract rights and purchasing rights like the county commissioners in 89 of the 92 counties.

Mr. Tom O'Donnell, Lake County Councilman, stated that in Lake County there is a need for the separation of powers that allow for a system of checks and balances. Mr. O'Donnell stated that all seven Lake County councilmen are opposed to any changes in the county commissioner structure in Lake County.

Sen. Frank Mrvan stated that Lake County's current county commissioner structure provides for more representation of the people. He added that the more representation people have the better off they are. Sen. Mrvan stated that there is not a public outcry to change the Lake County structure and that it should be left as it is.

Sen. Rose Antich stated that she has requested a preliminary bill draft that would change Lake County's structure to be the same as 89 of Indiana's counties. Sen. Antich added that she will take the preliminary draft before the Lake County caucus and then bring the Lake County commissioners and councilman together to discuss the preliminary draft. Sen. Antich stated that the discussions will help her determine whether or not she will introduce the draft legislation.

**St. Joseph County** - Ms. Cindy Bodle, St. Joseph County Commissioner, stated that all three of the St. Joseph County commissioners feel that the county commissioner structure in St. Joseph County works well and does not need to be changed.

Mr. David Niezgodsky, St. Joseph County Councilman, stated that he talked with seven of the nine St. Joseph County councilmen and each of them believes that no changes need to be made in St. Joseph County. He stated that each councilman knows the needs of the district he or she is representing. Mr. Niezgodsky added that the current structure provides for a system of checks and balances.

### **The Office of County Surveyor**

The Indiana County Surveyor's Association (ICSA) conducted an internal study regarding the duties of the county surveyor's office as well as the effectiveness and efficiency of the county surveyor's activities and services. The ICSA presented the Commission with survey results. The ICSA stated that 58 of the 92 county surveyors responded to the survey. Of the 58 respondents, 46% or 27 are licensed surveyors. The ICSA reported that 80% or 74 of the 92 county surveyors are full time employees.

The ICSA stated that 57% of the government corners in Indiana have been reestablished and that corner perpetuation continues to be an important function of the county surveyor. The ICSA added that the responsibilities of a county surveyor have increased. Additional responsibilities of the county surveyor include:

- reviewing annexation descriptions;
- maintenance of the County Auditor's tax maps;
- maintaining the County Clerk's election precinct maps;
- GIS inception and maintenance;
- serving on the county plan commission;
- publishing the county road maps;
- regulated drain maintenance;
- recording of legal surveys.

The ICSA concluded that maintenance of, and accessibility to, data managed by the county surveyor's office must be openly available, and is best managed by an elected official who can be held publicly accountable for their actions.

### **The Office of County Assessor**

Judy Sharp, President of the County Assessors Association, provided an overview of the office of township trustee with assessing duties from the perspective of the county assessor. Ms. Sharp discussed the problems caused by township trustees with assessing duties and the costs to the county of the errors committed by township trustees with assessing duties. She said that part of the problem also lies in the fact that most township trustees with assessing duties are only part-time employees.

Speaking on behalf of the County Assessors Association and the AIC, Ms. Sharp called for the authority over the assessing process to be placed in the hands of the county assessor.

### **The Office of Township Assessor**

Steve Buschmann, Indiana Township Association, rebutted the claims that township trustees with assessing duties do not want to have assessing duties and that township trustees with assessing duties have problems because they are "part-time." Mr. Buschmann also related to the Commission the problems some township trustees have in communications with the county assessor.

Mr. Buschmann pointed out that the percentage of township trustees with assessing duties who are Level 1 or Level 2 assessors has been increasing.

Linda Williams, Township Trustee, Adams Township of Hamilton County, discussed the problems with the professional assessor hired to complete assessments, and the error in her township which she was able to correct. Ms. Williams rejected the idea that as a township trustee she was not aware of the duties of her office prior to election.

William Pipher, Township Trustee, Bloomfield Township of LaGrange County, discussed township government structure and his particular compensation.

Paul Ricketts, Township Assessor, Lawrence Township of Marion County, discussed township assessment.

#### **IV. COMMITTEE FINDINGS AND RECOMMENDATIONS**

The Commission made the following findings of fact and recommendations by Commission consensus:

##### **Finding #1: County commissioner structure for Lake County and St. Joseph County**

The Commission finds that the structure of the county commissioners in Lake County and St. Joseph County should be left to the mutual agreement of the legislative and executive body of each county. The Commission stated that the recommendation and passage of the preliminary draft addresses the Commission's charge regarding functions and duties of county commissioners in Lake County and St. Joseph County and how their legislative and executive powers compare to county commissioners in other counties.

##### **Recommendation #1: The legislative and executive body of Lake County and St. Joseph County shall mutually determine the county commissioner structure in each county.**

**PD 3512** allows the legislative and executive body of Lake County and St. Joseph County to opt out of their existing county commissioner structure by passing an identical ordinance and resolution establishing a county commissioner structure identical to the general county commissioner structure found in IC 36-2. The Commission took action on PD 3512 concerning the county commissioner structure in Lake County and St. Joseph County. PD 3512 was recommended to the General Assembly by a roll call vote of 11-0.

##### **Finding #2: A multi-county correctional district for the construction and operation of correctional facilities.**

The Commission finds that the encouragement and use of a multi-county correctional district may address the significant costs on county budgets that counties face in constructing and operating a correctional facility.

##### **Recommendation #2: Allow for the establishment of a multi-county correctional district.**

**PD 3527** allows two or more counties to establish a multi-county correctional district. The Commission took action on PD 3527 concerning multi-county correctional districts. PD 3527 was recommended to the General Assembly by a roll call vote of 11-0.

##### **Finding #3: Extension of the County Government Study Commission.**

The Commission finds that the Commission's charge requires the Commission to complete an extensive discussion of the structure of county government in Indiana and to gather much more information before recommending legislative changes.

##### **Recommendation #3. Extension of the County Government Study Commission.**

**PD 3510** eliminates the Commission charge to study the functions and duties of the county commissioners in Lake County and St. Joseph County. The preliminary draft extends the expiration of the Commission until November 1, 2003, and adds two lay members to the Commission's membership. The Commission recommended by voice vote to make the following changes to PD 3510: (1) Page 1, line 6 - change "twenty-two (22)" to "twenty-four (24)"; (2) Page 1, line 26 and Page 2, line 6 - change "one lay member" to "two lay members". The Commission took action on PD 3510 concerning the extension of the County Government Study Commission. PD 3510, as amended, was recommended to the General Assembly by a roll call vote of 11-0.

## **WITNESS LIST**

Senator Rose Antich  
Cindy Bodle, St. Joseph County Commissioner  
David Bottorff, Association of Indiana Counties  
Matt Brooks, Association of Indiana Counties  
Steve Buschmann, Indiana Township Association  
John Dull, Attorney for the Lake County Commissioners  
Jeff French, President of the Indiana County Surveyor's Association and Ripley County Surveyor  
Bill Haan, Indiana Association of County Commissioners  
Katrina Hall, Farm Bureau  
Senator Frank Mrvan  
David Niezgodsky, St. Joseph County Commissioner  
Tim O'Donnell, Lake County Commissioner  
William Pipher, Trustee/Assessor, Bloomfield Township of LaGrange County  
Paul Ricketts, Indiana Township Assessor's Association, Lawrence Township of Marion County  
Representative Sue Scholer  
Judy Sharp, Monroe County Assessor  
Senator Becky Skillman  
Kent Ward, Hamilton County Surveyor  
Kirk White, former C.O.M.P.E.T.E. Advisory Board Member and former Monroe County Commissioner  
Linda Williams, Trustee/Assessor, Adams Township of Hamilton County